On August 24, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Direct Sales Co., Inc., Buffalo, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about October 21 and November 14, 1935, from the State of New York into the State of Pennsylvania of quantities of scopolamine hydrobromide tablets and tincture aconite root that were adulterated. The articles were labeled: "Tablets Scopolamine H br. 1/100 gr. [or "Tincture Aconite Root U. S. P."] manufactured by Direct Sales Co., Inc., Buffalo, N. Y."

The tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain 1/100 grain of scopolamine hydrobromide; whereas each of the said tablets contained more than represented, namely, not less than 0.0116 grain of scopolamine hydrobromide.

The tincture of aconite root was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down therein, since when administered subcutaneously to guinea pigs, it had a minimum lethal dose of not less than 0.00225 cubic centimeter for each gram of body weight of guinea pig; whereas the pharmacopoeia provides that tincture of aconite when administered subcutaneously to guinea pigs, shall have a minimum lethal dose of not more than 0.00045 cubic centimeter for each gram of body weight of guinea pig, and its own standard of strength, quality, and purity was not declared on the container. It was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be tincture of aconite root which conformed to the standard laid down in the United States Pharmacopoeia; whereas it did not conform to said standard.

On December 6, 1937, a plea of guilty was entered on behalf of the defendant and on December 16, 1937, a fine of $300 was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28314. Misbranding of Organic Sea Food. U. S. v. Joseph V. Wachter. Plea of guilty. Fine, $25. (F. & D. No. 38622. Sample No. 49334–B.)

The label on this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On March 23, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph V. Wachter, San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 13, 1935, from the State of California into the State of Nebraska of a quantity of Organic Sea Food that was misbranded. It was labeled in part: "Manufactured by Organic Sea Products Corp. St. Paul Building San Francisco California."

Analysis showed that the article consisted essentially of coarsely ground seaweed with a very small amount of agar.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic or curative effects, borne on the package label and contained in a circular, falsely and fraudulently represented that it was effective to give vitality and to eliminate poisons and diseases; effective as a treatment, remedy, and cure for deficiency diseases and diseases such as rheumatism, asthma, goiter, overweight, stomach trouble, neuritis, anemia, nervous disorders, and other glandular deficiency diseases; effective as a treatment for tubercular ailments, infections, poor endurance, erratic personality, bone diseases, premature age, catarrh, stiff joints, deafness, acidity, many distressing diseases, stiffening of the bones and arteries and falling hair; effective to prevent neurasthenia, fatigue, pyorrhea, excessive fat, auto-intoxication, goiter, insanity, baldness and wrinkles; effective to eliminate fat; effective to give will, long life, and red blood, to brighten eyesight and complexion, to prevent tuberculosis, to preserve youth, to protect against infections, bone diseases, and fear; effective to relieve pain, to prevent catarrh, deafness, hardening processes, and moodiness, effective to give warmth, magnetism, mental endurance, creative ability, and vitality, to beautify, to inspire, to make glossy hair, to arrest disease and to throw out bodily impurities; effective as a treatment, remedy, and cure for chronic constipation, dull headaches, colds, run-down condition, sluggish mentality, constant tired feeling,

nervous disorders, suppressed menses, high blood pressure, stomach troubles, and almost every type of ailment and disease; and effective to eliminate toxic poisons from the system.

On November 27, 1937, the defendant entered a plea of guilty and the court imposed a fine of $25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28315. Adulteration and misbranding of White Cross Emergency First Aid Kits. U. S. v. 20 White Cross Emergency First Aid Kits. Default decree of condemnation and destruction. (F. & D. No. 38207. Sample No. 8614–C.)

These kits contained, among other items, a roll of absorbent cotton and a roll of gauze bandage which were labeled "Sterilized" but which were not sterile in that they contained viable micro-organisms. The labeling also bore false and fraudulent curative or therapeutic claims.

On or about August 21, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 White Cross Emergency First Aid Kits at West Haven, Conn., alleging that the article had been shipped in interstate commerce on or about April 9, 1936, by the American White Cross Laboratories from New Rochelle, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard or quality under which it was sold, namely, (absorbent cotton) "Sterilized * * * Absorbent Cotton" and (gauze bandages) "Sterilized" in that the cotton and gauze bandages were not sterile but contained viable micro-organisms.

Misbranding was alleged in that the statement "Sterilized," on the label of the absorbent cotton and gauze bandages, was false and misleading since they were not sterile. Misbranding was alleged further in that the statement on the container, "The White Cross of Perfection is your Protection," was a statement regarding the curative or therapeutic effects of the article and was false and fraudulent.

On November 30, 1937, the American White Cross Laboratories, the intervenor, having withdrawn its appearance, with leave of court, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28316. Adulteration and misbranding of Lacta Kaolin Plain and Lacta Kaolin Laxative. U. S. v. Frank R. Braune and Gertrude Braune. Pleas of nolo contendere. Fines, $110. (F. & D. No. 38034. Sample Nos. 57024–B, 57025–B.)

These products were represented to be foods but they contained talc, a nonfood substance, and one contained phenolphthalein, a drug; they contained no kaolin. The labeling also bore false and fraudulent representations regarding their curative or therapeutic effects.

On March 17, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank R. Braune and Gertrude Braune, Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 13, 1936, from the State of Illinois into the State of Michigan of quantities of the hereinafter-described drug products, which were adulterated and misbranded. They were labeled in part: "Lacta Kaolin Plain [or "Laxative"] * * * Prepared only by Alpha Laboratory * * * Chicago."

Analyses showed that both articles consisted essentially of lactose (milk sugar), cacao powder, agar-agar, and talc; and that the "Laxative" also contained 2.6 grains of phenolphthalein per ounce.

The articles were alleged to be adulterated under the provisions of the law applicable to food in that a nonfood substance, namely, talc, had been mixed and packed therewith so as to reduce and injuriously affect their quality and strength and had been substituted for a food, which they purported to be.

They were alleged to be misbranded under the provisions of the law applicable to drugs in that the statements, "Lacta-Kaolin (Alpha) is not a medicine. It is a food and a cleanser only. It should be taken after rather than before meals as, being a food it may, if taken just before a meal, reduce the desire for other food," appearing in the labeling, were false and misleading in that they repre-